

A
COOL APPEAL

TO THE

Sober Sense of Englishmen:

OR,

REPUBLICANISM AND MONARCHY
CONSIDERED.

BY AN ENGLISH CONSTITUTIONALIST.

“The English is the only nation in the world, where political or civil liberty is the direct end of its constitution.”

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Montesquieu, p. 134.

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COOL APPEAL, &c.

AT a time, when the overgrown power of France has absorbed and changed the political establishments of a very considerable part of Europe, it may not be improper for an Englishman to examine the nature of the two forms of government, Republican and Monarchical,* with the view of ascertaining, which is most conducive to the general happiness of mankind; for most falsely has it been asserted, that Monarchy must inevitably sink into Despotism, and that no form of government can, during any long period, preserve the liberties of the people, but that, which is strictly republican.

* In this and every passage in this pamphlet, in which the word Monarchy (or its derivatives) is used, I mean, *limited* Monarchy, not that species of monarchy, defined by Mr. Horne Tooke, agreeably to its Greek derivation, to be only another word for *Despotism*.

Men first formed the social union in a wild, rude, and imperfect manner. But, from a conviction of their weakness and their wants, they associated for the purpose of mutually confirming and relieving them. Without the beneficial aid of society, human life would be gloomy, comfortless, and hardly worth possessing. And without the establishment of laws to regulate the conduct of the members thereof, society itself, with all its admitted advantages in a well conducted government, would necessarily be productive of personal quarrels, dissensions, blood, and murder. "Every man, when he enters into society, gives up a part of his natural liberty, as the price of so valuable a purchase; and, in consideration of receiving the advantages of mutual commerce, obliges himself to conform to those laws, which the community has thought proper to establish. And this species of legal obedience and conformity is infinitely more desirable, than that wild and savage liberty, which is sacrificed to obtain it."*

The original object of all constituted national governments is, to secure the individual com-

* Blackstone's Commentaries, vol. i. p. 125, octavo edition.

fort and happiness of the people, who respectively live under them. This, I say, is the principal, the grand, the fundamental object of all national associations. That government, therefore, which naturally tends, from its construction, effectually to accomplish this leading object, is certainly the most desirable, and demands our approbation.

The social welfare and happiness of mankind, formed into national bodies, depend upon the security, which one political association possesses against the incurfive and hostile attacks of another; upon the security, which the establishment and preservation of domestic peace confer on property; and upon an equal and unbiaſſed adminiſtration of public juſtice. Whether theſe objects may, or may not, be obtained under a republican form of government, I proceed firſt to inquire.

Does a Republic excluſively poſſeſs, in the hour of danger, any latent and ſolid ſecurity againſt an invading force?—Before a definitive answer can be returned to this queſtion, we muſt conſider, that, in all democratic aſſociations, public offices of every deſcription are generally holden by the occupier during a very ſhort pe-

riod only. The election may, probably, be annual, as the case is with a part of the Directory in France. And have we ground to suppose, from the natural construction of the human mind, that man, under such circumstances, will forego all private advantages for the public good; and will not rather embrace every possible mean, which the course of events may offer, to advance his individual fortune? If we hastily affirm this to be a proposition indubitable, we controvert the general experience of mankind from the first age of society. The grand and leading principle, which animates the conduct of magistrates, annually elected, is self-interest. Public business is too often neglected for the sake of private advantage; and the frequent return of elections (I will not, in this place, mention, that it naturally tends to excite popular commotions, as the observation will fall more regularly under the second question,) operates only to the increase of the evil; because every election will emit a new and successive host "of hungry leeches to suck the heart-blood of the body politic." Under every succeeding change of Administration, the magistrates, by losing their offices, lose nothing highly valuable,

valuable, on account of their short duration. Their minds are open, therefore, when in office, to the corrupt influence of bribes; and may be tempted by prompt payment of money, or the promise of permanent promotion, to sacrifice the public interest. That this is the natural construction of the human mind, every man's reflection will inform him; and that magistrates will pursue this line of conduct, under the circumstances stated, we have had a recent proof in the conduct of the French directory towards the American Envoys. "Give us," said the Directory, "fifty thousand pounds, as a *douceur*, for our private disposal, and we will prevail upon the French nation peaceably to adjust all political differences. Money, money, is what we want! If you will not satisfy this our craving appetite for money, return to America, and we will excite your countrymen against you, by informing them, that the failure of this negociation, and all the evils their country will suffer in consequence thereof, ought to be ascribed to you and the federalists in America, not to France, or her party there; that their government has no sincere desire for the preservation of peace between
the

the two nations. "Without money," said these disinterested gentlemen, "we will do nothing. Bribe us, and we will sacrifice the nation."*

To the security of any government, indispensably requisite are unanimity in councils, and secrecy and promptitude in the execution of the measures adopted. But can these desirable objects be expected in a government, committed to the administration of many men, without a central point of union? "Unanimity must be wanting to their measures, and strength to the execution of their counsels."† Admitting, that these men were all wise, which cannot always be expected from the frequency of elections, yet we know, that men, reputedly wise, often possess no inconsiderable share of conceit, pride, and jealousy. If unanimity be wanting in their councils, each opponent will naturally endeavour to subvert, or retard the execution of, his

* See the Correspondence lately published. A similar offer, it has been publicly said, was not long ago made to England through the medium of Mr. Beckford. A private gift to the Directory of fifty thousand pounds, was proposed (delusively without doubt!) to the English ministry, as the price of peace! But the proposal was received with the contempt and indignation, it deserved.

† Blackstone's Com. v. i. p. 252.

rival's plans; for, by rendering them ineffectual, he both gratifies his own private resentment, and hopes to promote his private interest, by proving himself possessed of superior abilities. And that there must occasionally be some disunion, arises from the very construction of the human mind. Hear the observations on this subject of that able lawyer, Sir William Blackstone.* “The executive part of government is wisely placed in a single hand by the British constitution, for the sake of unanimity, strength, and dispatch. Were it placed in many hands, it would be subject to many wills. Many wills, if disunited and drawing different ways, create weakness in a government; and to unite those several wills, and reduce them to one, is a work of more time and delay, than the exigences of state will afford.” In the multitude of counsellors, it may be said, there is wisdom and safety. And yet the debates, arising on any subject under discussion, protracted, as they often are, from a principle of spleen, of envy, of jealousy, or of ambition, are so injurious to the secrecy and promptitude of action,

* Commentaries, v. i. p. 250.

that

that favourable opportunities to success are irrecoverably lost. Besides, from a well-founded apprehension, that able and experienced generals will assume absolute power, their orders are limited and confined within such narrow bounds, as frequently to occasion want of success in their execution: or, should success have attended on their execution, to disqualify them from pursuing that success, and embracing contingent advantages. There exist likewise so much secret jealousy and apprehension of any successful general, that the utmost industry is often privately exercised to oppose the execution of his plans, to misrepresent them, and to make him an object of suspicion. To the truth of this observation, the history of the campaigns of every celebrated general in the French service, since the revolution, will bear ample testimony.

Should it be said, that these arguments apply strongly in favour of Despotism, I hesitate not to declare, that, (viewing the subject in theory only,) a form of government under the absolute power of a prince, perfectly wise, *could such a man be found*, would prove in my opinion, the best form of government, which could possibly be established for the general
good

good of mankind. There would be unanimity in councils. There would be secrecy and promptitude in the execution of the measures adopted. But it must, at the same time, be admitted, that, under the present frail and corrupt state of human nature, such an absolute government would bring upon the people, what has ever been found practically to effect, only the most abject slavery, and misery in the extreme.

The second question, which I proposed to consider, is, whether a republic can effectually secure private property against popular commotion and insurrection; and whether domestic peace can be at all preserved?—A majority of voices conducting public business, amidst an equality in power and dignity, will necessarily create cabals, intrigues, factions, and a jealousy between factions, mutually counteracting each other. Consequently national concerns, like a machine, drawn by equal force in opposite directions, either will remain in a state of rest, or will be conducted, as the case has repeatedly happened in Republican France, by some prevailing faction. And, amidst a multiplicity of factions, mutually counteracting each other, popular commotion and insurrection will be frequently

frequently fomented and excited, in order to serve the views of each party. Under such circumstances, nothing will prove effectual to the preservation of domestic peace, but constant employment in foreign wars. And it has ever been, therefore, the wise policy of all populous republics to keep their people engaged with a foreign enemy, for the purpose of preserving peace at home. The republic of America is an exception to this rule, from the circumstances of its wanting inhabitants, and possessing in its composition a considerable portion of monarchy. But such will be the policy of America also, when that extensive continent shall be fully peopled, should it so long preserve its present form, or should it assume more of the ancient republican form, of government. And such, we find it to our sorrow, is the present policy of the infantile republic of France, notwithstanding she has been so much harrassed, within and without, by massacre and blood, that a presumption might naturally be formed of her desiring repose.

If we direct our attention for a moment to the history of ancient Rome, we shall find, that whenever the inhabitants of that celebrated republic

public remained, during any long period, disengaged in foreign wars, the discontented spirit of sedition and tumult shewed itself. The first memorable sedition, which appeared in Rome, arose on the subject of the *lex agraria*, after the senate had suspended hostilities against the Veientes.* This sedition subsided on a declaration of war against the Sabines, the Æqui, and Volsci.

And no sooner was this war terminated, than there appeared a more alarming insurrection of the people; who shewed their power by the immediate creation of ten tribunes, to prevent, as they declared, any dangerous infringement on their rights and liberties.† But when this Decemvirate felt the full force of their importance and authority, they actually by violence subverted the constitution.‡

No proposition can be advanced more clear and incontrovertible, than that the very nature and constitution of a republic incline it to tumult and faction: to the truth of which observation France bears mournful testimony. One fac-

* A. U. C. 281. T. Liv. lib. ii.

† A. U. C. 297. T. Liv. lib. iii.

‡ A. U. C. 311. T. Liv. lib. iv.

tion must inevitably gain the ascendancy, and may perhaps undergo a variety of changes: and as it is the interest of the ascendant faction to crush its opponent, every faction must alternately suffer. Whilst neutrality is the suspected enemy of all parties.—Let us remember also, that in all popular tumults, insurrections, and factions, the violent and vicious, even without the superior advantages of a well educated mind, take the lead. Vested in such hands, power must of necessity be abused. There exist, therefore, in a populous republic, constructed without a considerable portion of monarchy, no positive certainty of domestic peace, no absolute personal safety, and no security of property.

The next question—whether the administration of public justice in a republic be equal and unbiassed?—may, I conceive, be answered in few words. The natural tendency of republics to faction, and the existence of faction, being proved and admitted, it follows, that rewards and punishments for meritorious and criminal actions will not be proportioned to the merit and criminality of such actions, but will be proportioned to the utility and opposition,

tion, the party has displayed towards the ruling faction. And as there will often be a vibration of factions, a fluctuating ascendancy of faction, rewards and punishments will, as often as it occurs, change with it, without regard to impartiality and justice.—Corruption and undue influence have been constantly employed in republics, to bias the minds of judges in favour of one party.* It was an old observation, that “*omne venale Romæ*,” alluding to corrupt practices in general. There can be no impartial administration of public justice, without independence of fortune, and independence of principles. England is a glorious example of a monarchy, which has long possessed the most learned, upright, and immaculate judges in the whole habitable world. But the republic of France on the contrary has produced men of the same profession, deserving the execration and curse of every human being.

Having considered, in a very concise manner, the grand object, for which all governments

* “The administration of justice in Bern (in the republic of Switzerland) depends too much on *favour* and *intrigue*.”

“I must have gone to Bern, have *solicited my judges in person*; a vile custom, &c. &c.”

Gibbon's *Miscellaneous Works*, by John, Lord Sheffield, 4to. v. i, p. 203, 205.

were constituted, it appears, that a republic, formed without partaking, in any considerable degree, of the nature of monarchy, is incapable of securing herself, during any long period, against the incurfive attacks of a foreign enemy; is incapable of preserving domestic peace, of securing personal safety and property, and an equal and impartial adminiftration of public juftice; is incapable of fecuring all thofe civil rights and privileges, which fociety has engaged to provide, in lieu of the natural liberties, given up by individuals. Consequently a republican form of government, inftead of promoting, is deftructive of the peace, the welfare, and happinefs of mankind.

In proceeding to inquire, whether Monarchy be capable of effecting the object, propofed in forming fociety, let us beftow a few moments in examining its antiquity.—Every ancient author, which treats on the origin of nations, mention Monarchy, as the firft form of government eftablifhed in the world. Sanchoniaton, the Phœnician hiftorian, who is allowed the claim of greater antiquity, than any of the fame profefſion in Greece,* gives a detailed and

* Stillingfleet's *Origines Sacræ*, lib. 1. cap. 2. p. 20.

accurate account of the Phœnician monarchy, and dedicates his history to Abibalus, King of Berytus. The antiquity of the Babylonian empire is asserted by Berosus;* fragments of whose history have been rescued from destruction, and the stamp of authenticity impressed upon them, by the industry and care of Josephus, Tatianus, Eusebius, &c. And every one knows that the Grecian history commences with the reign of Cecrops, King of Athens.

By directing our attention for a moment, to sacred history, we shall find, that regal government was coeval with mankind. The authority, exercised by Adam, Noah, and the Patriarchs over their respective families, was undoubtedly similar to that of kings. The first monarch, recorded in the sacred writings,† was Nimrod, the celebrated hunter, “ whose kingdom was Babel,” and whose reign commenced, as accurately as chronologers can compute the time, one hundred and thirty years after the deluge. That kings in Ægypt are frequently mentioned in the Old Testament, is known by every one, who attends on the public service of

* Stillingfleet's *Origines Sacrae*, lib. 1. cap. 2. p. 30.

† Gen. x. 10.

the church. The judicial authority* of Moses over the Israelites, after their deliverance from Ægyptian bondage, was equivalent to that of a king. It is worthy of remark, at the same time, that the rebellion of Corah, Dathan, and Abiram, against his sovereignty, is the first attempt upon record to establish a Democracy. In the prophecy delivered by Jacob, respecting the future Messiah, it is said, that “the sceptre shall not depart from Judah, nor a lawgiver from between his feet, until Shiloh come.”† A sceptre, it is generally known, hath ever been the badge of royalty, and lawgiving the prerogative of kings. The theocratic establishments of the children of Israel in Palestine were monarchical, *jure divino*: and when, upon the appointment of Saul, there became a constituted regal office, the wisdom of the Almighty was careful, circumspectly careful, to preserve the succession in the person of David. No other form of government existed in the world, until Athens was constituted a popular state.‡ It

* Exod. xviii. 13.

† Gen. xlix. 10.

‡ This revolution occurred, as accurately as chronologers can compute the time, after the expiration of the ten years reign of Erixias, about the latter part of the reign of Manassah, King of Judah, A. M. 3275.

is not to be denied, however, that, at no long period after this, several other Grecian cities* imitated the example of Athens, and, expelling their kings, erected themselves into common-wealths. But after an uninterrupted scene of popular commotions at home, and long and bloody wars with the neighbouring powers, all these common-wealths were subverted and destroyed by the great Macedonian conqueror.†

All governments ultimately settle in Monarchy. This is certainly a forcible argument, that monarchy is the form of government most agreeable to human nature. The ancient Roman republic succeeded monarchy. And even this renowned republic, the glory of whose arms has been celebrated in every literary country, could subsist no long period without the nomination of a Dictator; who, for the space of six months, possessed the authority, but not the name, of the most absolute prince.‡ When they deemed the republic in any imminent danger, it is said, that the senate of Rome “*trepidi ad Dictatorem confugiunt.*” In their

* Sparta, Corinth, &c.

† A. M. 3630,

‡ Titus Lartius primus dictator, Liv. ii. 18.

senatorial deliberations, their public affairs were generally conducted by the leading talents of one active man, who was, *pro tempore*, a disguised monarch. How often did the eloquence of Cicero alone bias the decisions at the bar, and the counsels at the senate! And even in modern times, have we not seen Robespierre, in the French republic, possess, for a time, not merely all the power of, but more power than, the most arbitrary prince? When a change takes place in the political establishment of a republic, that change becomes, either anarchy and confusion, or monarchy, as its first principle. Such a change as the latter, many republics have already undergone; and it is not improbable, that the world may see many more. Even the haughty republic of France, harrassed and wearied out with misery and oppression, will, at some future day, I doubt not, demand the restoration of monarchy. The sooner that day arrives, better will it be for the welfare and happiness of mankind!

With respect to the length of time, ancient nations have subsisted under these two forms of government, Monarchy only has shewn itself capable of long duration. The various Grecian,
 nay,

may, even the proud Roman republic, who considered and called herself the mistress of the world, never completed five hundred years. And during that period, Rome was at different times preserved from destruction by the prudent conduct, the firm and manly courage of a Manlius, a Camillus, and a Scipio. So that the period of their existence was, in general, infinitely shorter than that of the monarchies, established in Assyria, Egypt, Scythia, and Rome.

Having shewn, that a Monarchical form of government is the most ancient, the most universal, the most natural, agreeable, and permanent, I will proceed to consider, with the same conciseness, the aggregate advantages it possesses, with respect to the grand object, for which all governments were constituted.—All regal governments must be either hereditary, or elective. We find from history, that in the infancy and first rudiments of almost every state, the leader, chief magistrate, or prince, hath usually been elective. But not the least disadvantage in an elective Monarchy is, that it admits of an interregnum: during the continuance of which, all laws are suspended in their operation; and consequently the most atrocious crimes com-

mitted with impunity. Poland has, at different periods, suffered most wofully from the single circumstance of her monarchy being elective. "History and observation will inform us, that elections of every kind, in the present state of human nature, are too frequently brought about by influence, partiality, and artifice."* The plots, the intrigues, the cabals, formed for the purpose of securing an election, aided as they must be by the internal co-operation of our depraved nature, tend to encourage and promote similar practices in the subordinate offices of society, and to corrupt, at length, the morality of a whole nation. Disappointed ambition, likewise, arising from the chagrine of various competitors, whose pretensions may perhaps be equal, or nearly equal, is often productive of civil wars and intestine divisions among the people: numerous examples of which may be drawn from the history of the world.

But from hereditary Monarchy the causes and foundation of such calamities are removed. A prince, who receives his crown by hereditary right, has no separate and detached interest from

* Blackstone's Com. v. i. p. 193.

that

that of his subjects. The prince and people equally share the public glory, and public happiness; and will, consequently, each in his different station, endeavour to promote them. The happiness of the Monarch is so closely interwoven with that of his subjects, that it cannot well be disunited. The prince cannot be miserable and his people truly prosperous and happy; nor can the prince be happy, whilst his people are really miserable. There exists the same connection between a Monarch and his subjects, as exists between a father and his family. The former is truly "*pater patriæ*," the father of his country. And as long as the laws enable him to consider himself in this relation, he will naturally endeavour to advance its prosperity and happiness. Because, in consulting and promoting the safety and happiness of his people, the prince, at the same time, consults and promotes his own. This consideration will prompt him to be vigilant in their defence, active in securing domestic peace and private property, and impartial in the administration of public justice.

The English monarchy is hereditary. "But this hereditary right by no means implies an *indefeasible*

defensible right to the throne.”* It is moreover limited. It has its bounds, which it cannot pass, established by wisdom, and confirmed by experience. It cannot, therefore, without violating the nature of the constitution, nor without the most supine indifference on the part of the people, degenerate into tyranny. It admits no interregnum. *Rex non moritur*, is an established maxim in the English law. The existence of the King of England, in his political capacity, never ceases. The regal authority passes, by a kind of metempsychosis, instantaneously from the body of the expiring monarch into that of his successor.

But the English constitution is not simply a Monarchy. It is Monarchy, blended and united with Aristocracy and Democracy. It is a most complicated machine; but a machine, admirably framed for the prosperity and happiness of the people. “Herein indeed consists the true excellence of the English government; that all the parts of it form a mutual check upon each other. In the legislature, the people are a check upon the nobility, and the nobility a check upon the

* Blackstone's Com. v. i. p. 195.

people;

people; by the mutual privilege of rejecting, what the other has resolved: while the King is a check upon both, which preserves the executive power from encroachments. And this very executive power is again checked, and kept within due bounds, by the two houses, through the privilege they have of inquiring into, impeaching, and punishing the conduct (not indeed of the King, which would destroy his constitutional independence; but, which is more beneficial to the public,) of his evil and pernicious counsellors. Thus every branch of our civil polity supports and is supported, regulates and is regulated by the rest: for the two houses, naturally drawing in two directions of opposite interest, and the prerogative in another, still different from them both, they mutually keep each other from exceeding their proper limits; while the whole is prevented from separation, and artificially connected together by the mixed nature of the crown, which is a part of the legislative, and the sole executive magistrate. Like three distinct powers in mechanics, they jointly impel the machine of government in a direction different from what either, acting by itself, would have done: but at the same time in a direction,

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partaking of each, and formed out of all; a direction, which constitutes the true line of the liberty and happiness of the community.”*

Our mixed constitution unites the advantages, without partaking of the disadvantages, of every existing government. The Nobility, spiritual and temporal, assemble in the house of Lords: the People, a body too numerous to be individually called together, assemble, by their representatives, elected from and by themselves for that purpose, in the house of Commons; which are collectively called, in the language of the law, the three estates; with the Monarch, presiding at their head. Without the concurrence of the majority in both houses, no bills are offered for the royal sanction. Nor are any finally impressed with the executive force of laws, but those, which have previously undergone long and accurate discussion, in their slow and progressive stages, in each house of parliament. So that no laws can be imposed of an arbitrary and tyrannical nature. Each estate, having an interest in the establishment of such, as are good and salutary, will consequently endeavour to propose

* Blackstone's Com. v. i. p. 154.

such bills only for the royal sanction, as will, in their operation, promote the public good; and to abrogate and repeal such, as are practically found to be vexatious or oppressive. The temporal Lords sit, some by descent; some by creation; others, since the union with Scotland, by election, which is the case of the sixteen Peers, who represent the body of the Scots nobility. The spiritual Lords, few in number, the King has the sole power of appointing, to watch over and promote, in a more particular manner, the interests and concerns of the Church. The house of Commons should be the free and unbiassed representatives of the people of England, as distinguished from the Nobility. And though, from the complicated nature of our constitution, one political scale may, in length of time, gain the ascendant, and consequently a reform in this particular branch of our constitution may be wanting, to adjust the balance, by extending suffrage and securing the freedom of election,* yet the revolutionists

* “ If any alteration might be wished or suggested in the present frame of parliament, it should be in favour of a more complete representation of the people.”

Blackstone's Com. v. i. p. 172.

have lately so blended themselves with the friends to reform, that, I fear, it would prove extremely hazardous, and by no means prudent, at present, to attempt it.* The wisdom and judgment of our ancestors, however, are not, on this account, to be impeached, in establishing this counterpoise to Despotism and Aristocracy. A qualification is required in the representatives, for the purpose, as I conceive, of securing their independence, and of giving them an interest in the bills, to be proposed and discussed in their assembly.

The first great quality, pertaining to the monarchy of Great Britain, is its absolute independence. “The King is the supreme head of the realm in matters, both civil and ecclesiastical, and of consequence inferior to no man upon earth, dependent on no man, accountable to no man.”† His power consists principally in sanctioning laws, presented to him for that purpose by the two houses of Parliament; in declaring war, and proclaiming peace; in raising forces and granting commissions, civil, naval,

* See Bowen's Serious Address to the People of England on the Subject of Reform, &c. third edition.

† Blackstone's Com. vol. i. p. 242.

and military: in calling, proroguing, and dissolving Parliament; in mitigating the severity of penal laws, in cases, deserving mitigation; in appointing to offices of great national trust; in short, without his approbation and consent, nothing can be legally executed. His person is made sacred. It is treason, and, as such, punishable with death, even to imagine or devise the King's death, or the dissolution of the royal authority; but this imagination and devise must be proved to exist by some overt act,

These are some of the prerogatives of the crown; upon the possession of which, it appears, so far is it from being arbitrary and tyrannical, as the French pretend, and the seditious inculcate, restraints and bounds are prescribed and imposed. Law is the rule of action to the prince. It is likewise the rule of action to the people: who in their turn possess privileges, as a counterbalance to the prerogatives of the crown. The grand privilege, which the people claim and exercise, as their indefeasible right, is the privilege of freely electing representatives to the Commons house of parliament. They possess, therefore, no inconsiderable share in framing laws, and from the exercise

ercise of this right arises the indisputable duty of obeying them. And though, at an election, many competitors may offer themselves candidates for the same office, yet, as one only can be elected, from the circumstance of the previous engagement, that the majority of voices shall decide the election, the successful candidate is equally the representative of those, who did not vote for him, and of those, who did.

Another privilege the people possess under our present valuable constitution; security of property. The property of every man in this kingdom, of the lowest as well as the richest and most powerful, is so securely fortified by the laws, that Satan's observation to the Almighty, respecting his servant Job, is applicable to every poor man in England. "Hast not thou made a hedge about him, and about his house, and about all, which he hath, on every side?"* This privilege, valuable beyond the reach of human calculation, encourages industry and frugality, and secures to the labouring cottager the full possession and enjoyment of their fruits. In many of the Eastern empires, the property, nay even the

* Job. i. 10.

life, of the subject, lies at the absolute and unqualified disposal of the Prince. Their government indeed is conducted with such arbitrary power, and, in many instances with such wanton cruelty, as to induce the European part of mankind to consider them in one degree only superior to the brutal creation. But in England, despotism is not practically known. Here not only is our property securely guarded, but the laws protect, from the envious traducement of a rival or an enemy, the private reputation even of the lowest individual. Our property cannot be alienated without our consent. It cannot be alienated, even for the general good of the whole community, without our previous concurrence, in the persons of our representatives. Those privileges are so valuable, though their value is very imperfectly understood by no inconsiderable part of the nation, and are so fully and exclusively possessed by the people of these kingdoms, that we may compare upon the same scale of liberty, the English cottager with the foreign Lord, and the English Lord with the foreign Prince.

A third great privilege, confirmed to Englishmen, by the form of our regal constitution,
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is the frequent administration of justice, to every order of the social union in the most impartial manner. Distributive justice alone is capable of great abuse. But, in this country, laws, which guard the just line of conduct between the different members of society, must be violated antecedently to the infliction of punishment; and to the violation of each law is annexed a specific punishment, proportioned to the offence. What that law is, every man knows, or may know, if he please. For it depends not upon the arbitrary will of any judge; but is permanent, fixed, and unchangeable, unless by authority of parliament. If a man will, therefore, obstinately violate the laws, which, though they may perhaps, in a few instances, seem partially to press upon individuals, are undoubtedly established for the general good, he knowingly and wilfully punishes himself.

The mildness and equity of the English laws deserve our particular admiration and esteem. Criminals of the blackest hue, even “murderers of fathers, and murderers of mothers,” cannot be condemned, and deservedly punished without previous trials, first by a Grand jury; and secondly by a jury of twelve honest

honest and impartial men, their equals, drawn promiscuously from a numerous body in the same county, in which the offence was committed, returned for that purpose. All or any of whom, should they have reason to suspect their impartiality, they may challenge and reject. On this trial, the law requires, that credible and sufficient evidence shall be produced in person, and examined publicly, face to face. Against which evidence the prisoners are legally empowered to defend themselves, to produce witnesses, should the case admit of it, in attestation of their innocence, to embrace and inculcate, either by themselves, or their advocate, every circumstance, which may be deemed favourable to their cause. Even after conviction, every reasonable indulgence is granted to the condemned, and the punishment ultimately inflicted with as much tenderness and concern, as obedience to the laws and the nature of their cases will admit: because punishment is not considered, as a moral *atonement* for crimes, but as coercive checks, *in terrorem*, against the *repetition* of them.

Similar observations are applicable to legal proceedings in our civil courts. Of bribery
and

and corruption, against the influence of which their courts of justice are well guarded, the people of England have no instances. Our judges are independent on the crown and on the people. And it deserves our particular gratitude, that the respectable men, who now fill this important office, are possessed of the greatest integrity and abilities, I may say, in the whole habitable world.

But these valuable privileges are only a part of what the English constitution secures to the people. It exerts, at the same time, all possible care to prevent the increase of the poor, and to assist those, who are poor; not by encouraging idleness, but by promoting industry, and supplying with the necessaries of life the aged and infirm. Nothing seems wanting to establish upon an immoveable base, the happiness of the English nation, but contentment, but a peaceable acquiescence under the present laws and constitution. For it is a truth, universally admitted, but by our Gallic foes, that we live under the best existing form of government, and under the most just, upright, and amiable Prince, which ever graced a throne.

Nay,

Nay, even a learned French author* has not scrupled to profess, in the very bosom of his native country, that the “English is the only nation in the world, where political or civil liberty is the direct end of its constitution.”

A few of the disadvantages and evils, which attend on a Republican constitution, particularly such, as is now adopted in France, I have considered in the preceding pages. The nature of Monarchy in general, I have endeavoured concisely to explain, as well as the nature of that particular Monarchy, established in these kingdoms. And, from what has been advanced on this subject, it follows, that the English constitution appears in theory, and is indeed practically found, the best contrived government to accomplish the great object, for which all governments were constituted, namely, the individual welfare and happiness of the people. By transferring for a moment our attention to the transactions, which have lately taken place in France, every argument, advanced on the disadvantages and evils of a Republic, will receive ample confirmation. Should it be

* Montesquieu, Sp. L. xi. 5.

said, that government is not sufficiently settled to stand a comparison, my answer is, that the comparison must be drawn from the existing nature of the subject, as it is recommended to our imitation, not from what it will be hereafter, or is capable of being made. The French Republic is a spurious mushroom of a day's growth, not only stained with the blood of her citizens, but full of deadly poison. The English Constitution is a fabric, which has been raised for centuries, every day receiving the polished hand of an artist, as long as improvement seemed necessary; and decorated, on all sides, with every emblem of prosperity and happiness. The French Republic, which boasts so much of its pretended liberty, imprisons her citizens on no just grounds of suspicion, or on false accusation only, and transports them to inhospitable climes, without even the mockery of a trial. The liberty of the English subject is watched and defended with so much tenderness and circumspection, that crimes, the most atrocious, annually escape punishment, through a delicate fear of imprisoning, or condemning, one innocent person. In France, all public business hath been long conducted under

der the impulse of terror: and there has been no longer unanimity in their councils, than whilst one violent faction, with a Robespierre or a Tallien at its head, has holden the ascendancy over the rest. This consideration, with that of the liveliness, activity, and enthusiasm of their national character, will account, in some measure, for that promptitude in execution, which has sometimes been visible in the French armies: but which will disappear with the principle, that excited it, as soon as the present most despotic tyranny in that country shall yield to rational freedom. Until that period shall arrive, the people of England can have, in my opinion, no reasonable grounds to expect permanent peace. Better, far better is it, therefore, strenuously to exert our endeavours, and strain every nerve, to continue the war a year or two longer, to effect this desirable purpose, than immediately to conclude a precarious truce; a truce, which, in order to relieve the burdens of the people in any considerable degree, will inevitably either throw us off our guard, and unprepare us for any sudden attack, which it will be the policy of our enemy to make; or, will subject us to the full ex-

pences, or nearly the full expences, of a war establishment, for the necessary defence of the kingdom. What consideration more forcible can be brought to excite and concentrate the public spirit, than that all our honest and sincere endeavours to give peace to afflicted humanity, should be baffled and defeated by the ambitious projects of our perfidious rival, who will, it seems, be satisfied with nothing, but our destruction? To her, therefore, is justly to be assigned the prolongation of the war. To her is to be ascribed the heavy load of taxes, the whole train of distresses and calamities, which the prolongation of the war will occasion. Agents she undoubtedly has in this country: agents, actively employed to alienate the attachment of the people to their government, and to incite hostile invasion, by representing the people as oppressed, and the government, as tyrannical.

A critical period appears to be hastily approaching. And it will be the duty of every true Englishman to prepare himself for the event. To be indifferent and neutral, under such circumstances, and at such an eventful

eventful moment, is to be hostile to our country, and criminal in the extreme. None can prove his attachment to his country, and its constitution, without exerting himself strenuously in their defence. Every man should take a part, and an active part, before it be too late. Remember, "*sero sapiunt Phryges.*" Had every honest man and sound patriot exerted half the industry and activity, employed by the seditious and disaffected, they would long since have been crushed to atoms.

What could be the political intentions of a popular gentleman, at a late meeting of the Whig Club, in drawing a line of marked opposition between the majesty of the King, and the majesty of the people; or rather, in ascribing to the people the majesty of the King. The *sovereign* of the people, and the *sovereignty* of the people, are unquestionably terms of very different import. The present *sovereign* of the people of England, I consider to be his Majesty, George, the Third. But the *sovereignty* of the people annuls the sovereignty of the *King*, and ascribes to the *people* the supreme power. Does not this violate the first principles of the constitution? Let us hear the authority of Sir
William

William Blackstone on this subject: an authority, which, I trust, will not be rejected. “The *supreme* executive power of these kingdoms is vested by our laws in a *single person, the King, or Queen*: for it matters not, to which sex the crown descends. But the person entitled to it, whether male or female, is immediately invested with all the ensigns, rights, and prerogatives of *sovereign power*.”* And in another place he says: “the law ascribes to the *King* the attribute of *sovereignty*. *Rex est vicarius*, says Bracton, *et minister Dei in terra: omnis quidem sub eo est, et ipse SUB NULLO, nisi tantum sub Deo*.”† Surprised am I, therefore, greatly surprised, that so little notice has been publicly taken of it; particularly since it has been recently determined, by the leading members of the Whig Club, to make it their standing toast. The Minister rashly gave up his friend to be torn in pieces by the fangs of Opposition, for what has been deemed an inconsiderate figure of speech. And here stands a man, on whom the lightest finger has dared not to fall, who has had the

* Commentaries, v. i. p. 190.

† Commentaries, v. i. p. 241.

effrontery at a numerous public meeting, in the face of the whole nation, to rob the monarchy of this country of its first and grand prerogative; a prerogative, with which the laws of the land have invested it. The insult, offered to the King, is but a small part of the offence. It is an insult, offered also to the two houses of Parliament. It is an insult, offered to the Constitution, and the whole body of the Nation; and ought, by the nation and the laws of the constitution, to be deservedly punished. Did this gentleman desire to share the disgrace of a noble Duke? Other means might have been pursued, without adopting this violent measure. One would charitably suppose, that the Honourable Member is not a pensioner of France; and therefore a doubt naturally arises in our minds, whether this proceeding be the visible effect of infatuation, or of *disappointed ambition*? Really I know not, and such is the case, I believe, with no inconsiderable part of the nation, to *what precise* motive we may impute it. It certainly would, therefore, amount to no more, than an act of justice to himself, and would settle the wavering minds of a numerous body of people, if the gentleman would condescend, as it is his duty,

duty, to explain it. It certainly would amount to no more, than an act of justice to themselves, would this gentleman and his friends condescend to explain, at the same time, in what sense we are to understand their attestation upon oath, that the political principles of Mr. O'Connor differed in no respect from their own. At present, I feel myself disposed to give these gentlemen every degree of credit, they may claim, for their boldness, but little, very little, for their loyalty or prudence. And if their leader, or any other member of the Whig club, will maintain, that the *people* of England possess the *sovereignty*, or supreme power, in contradistinction, or in opposition to the *King*, such a declaration will undoubtedly amount to a *flagrant infringement of the first principles of the constitution, and a violation of the royal prerogative*. Was this measure intended to acquaint the Directory, that they had still partisans in England, who had the boldness to avow their sentiments, and endeavour to excite disaffection among the people? By representing the distresses of the nation in the most exaggerated colours, as the factious have repeatedly done, do they mean to invite hostile invasion, with the view of conquering their country,

country, and subverting its constitution? Should any party, in this country, deem this event at all desirable, I would beseech them seriously to consider the probable, nay, the certain consequences, attending on it, provided it could be accomplished.* Do they suppose, that, desperate as their present situation may be, their condition would be at all improved, by putting their country into the possession of people, who have long holden out *delusive* hopes of, what they falsely call, liberty to other nations? Can they reasonably hope, that they themselves shall enjoy liberty, even admitting, that the conquerors enjoyed, as free a constitution, as any in the world? No, no! Such men would soon become suspected, despised, and would be ultimately destroyed by them. A celebrated French writer,† many years ago, very justly observed upon this subject, agreeably to the sentiments, advanced in the preceding pages, that “a country, conquered by a Democratic nation, always enjoyed less liberty, was more miserable, and more en-

* I beg leave to refer my reader to Mr. Justice Buller's excellent address to O'Coigley, upon his conviction of high treason, at Maidstone, May 22, 1798.

† Montesquieu.

flaved,

flaved, than if that country had been conquered by a nation, whose government was Monarchical." But were any confirmation wanting, as to the truth of this observation, we need only turn our eyes to the conduct of the French at this moment towards Holland, Belgium, Italy, Switzerland, and every other country, into which they have been admitted as friends, or, which they have conquered as foes. Slavery, slavery of the worst kind, slavery of mind, as well as of body, in these countries universally prevails. And have we the folly to suppose, that the people of England, who have always been rivals to France, and checks upon her ambitious designs, will share a better fate? Have we the folly to suppose, that the people of England, to whom she has uniformly displayed, throughout the war, the most implacable animosity, will, upon the presumption, that such an event should occur, (which, for the sake of mankind, God forbid!) suffer less cruelty and oppression, than the rest of the conquered world? Arguing from the natural feelings and experience of mankind, and from no other source can flow arguments equally forcible and convincing, we undoubtedly shall not. In anticipating the future sufferings of
 England,

bition, are the grand and prominent features in the French character. This is a truth, now partially, but will soon be generally, admitted. The people of this country, I am pleased to observe, never saw so clearly the various arts of delusion, which have been practised to impose upon them. Their eyes are now nearly open. Such unanimity, as now seems to prevail in England, (would it were so in Ireland!) has never appeared, since the commencement of the war. Poisonous pamphlets have, it is true, been disseminated, with criminal industry, amidst the lower ranks of life. But pamphlets of an opposite tendency it has been the object of the rich and well-affected to circulate with no less industry. Let them not relax their laudable exertions. Let the antidote not merely attend on the poison, but precede it. Without the most active zeal on the part of honest men, to counteract its effects, if received, and to prevent its reception, the country will, I fear, notwithstanding its present apparent unanimity, soon be lost. A crisis of the greatest importance seems to be fast approaching. Let the well-affected, at this eventful period, go hand in hand. Let unanimity and zeal characterise their conduct.

conduct. Let them all pull steadily in the same direction. Mindful only of the great object before them, and laying aside all private animosity and party contention, let them hold fast together; and remember, in the hour of danger, that "we are not lost, if we continue firm."



England, upon the presumption of such an event, or upon the presumption, that the English republican party should gain any considerable number of profelytes in this country, we need go no farther than our sister kingdom.

Look to the present miserable and distracted state of Ireland. View there the evils, already produced, of Republicanism and anarchy. De-luded by the false friendship of perfidious France, its wretched inhabitants are madly plunging their country into all the calamities and horrors of a civil war. The blood of our fellow citizens is daily flowing, in the midst of savage rage and sporting mockery. Every field is the field of battle. Every corner contains an assassin. No man's existence is secure to him for a moment. A system of plunder has partially shewn itself, and would soon have become general throughout the country, and the government been long since subverted, had not the most active and coercive measures on the side of Administration, at a very critical moment, been adopted. If any blame, upon this occasion, be at all imputable to those, who hold the reins of government, it is, in my opinion, that of not having employed such coercive measures at an earlier

earlier period.—At all these calamities, France rejoices. It would prove to her the source of the most pleasurable feelings to behold these kingdoms reduced to beggary and ruin. To this prospect she has long directed her attention, with anxious, hopeful eyes. England and France have ever been constant rivals: and to blot out her rival from the independent nations of Europe, hath been invariably the object of her plans.—Her designs and projects have been, from the remotest period, ambitious and aspiring. And though she renounced, at the commencement of the war, all intentions of aggrandizement, yet her future proceedings have uniformly contradicted the truth of her prior declarations: and from a powerful nation of twenty five millions of people, she may now triumphantly exclaim, that, through the medium of treachery and of force, she possesses the most absolute authority over no less than forty two millions.

In the reign of Louis the Fourteenth, she aspired to the establishment of an Universal Monarchy. She now flatters herself with the ambitious project of establishing an Universal Republic. Levity, deceit, treachery, and ambition,



